## UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

SNMP RESEARCH, INC. and SNMP	§	Case No. 3:20-cv-00451-CEA-DCP
RESEARCH INTERNATIONAL, INC.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Jury Demand
	§	
<b>BROADCOM INC.; BROCADE</b>	§	
COMMUNICATIONS SYSTEMS LLC;	§	
AND EXTREME NETWORKS, INC.,	§	
	§	
Defendants.	§	
	§	

## PLAINTIFFS' REPLY IN SUPPORT OF ITS MOTION FOR PARTIAL RECONSIDERATION OF THE COURT'S SUA SPONTE ORDER STAYING DEADLINES AND ORDERING MEDIATION

Plaintiffs write in response to a representation made by Extreme in its Response to Motion for Reconsideration filed today. In its response, Extreme represented: "While Plaintiffs point to prior mediations between the parties, *the present case before the Court has never been mediated*. Prior mediations occurred before the March 2, 2023 Amended Complaint (Doc. 244), the new claims of which fundamentally changed the scope of this case." (Emphasis in original). This representation is false.

Plaintiffs filed their motion for leave to amend the complaint on December 2, 2022, which was 47 days before five days of mediation took place before Hon. Jay C. Gandhi. In addition, Plaintiffs had previously moved to compel Extreme to produce information on all products that contain Plaintiffs' software, and Judge Poplin expressly ordered Extreme to produce that information because it was "essential and necessary" for the mediation. Dkt. 229 at 2.

Specifically, the Court ordered Extreme to make the following production with the <u>express</u> purpose of permitting the parties to consider this information in the January 2023 mediation:

The remaining point of contention relating to these Interrogatories is whether Extreme must produce information on products that Extreme argues are not identified in the Complaint. These interrogatories specifically define "SNMP Research Software" to mean any of the following: (1) software provided by SNMP Research to Brocade, (ii) software licensed by SNMP Research to Brocade, or (iii) any software created by SNMP Research which is or was in the possession of Extreme."

The Court finds information regarding the unidentified products is essential and necessary in order to have a constructive mediation with any potential for global settlement. Moreover, the Court has previously ordered Extreme to produce this information as explained in its Memorandum and Order [Doc. 131 pp. 8–9]. Thus, the Court **ORDERS** Extreme to produce this information, in a similar format as to how it produced information relating to the identified products and from the date of first sale, on or before **January 9, 2023**.

Id.

Extreme produced that information by January 9, 2023. The five days of mediation with Extreme began in-person on January 19, 2023, and centered on that new information, including the associated claims set forth in Plaintiffs' amended complaint.

Respectfully submitted this 3rd day of July, 2024,

By: /s/ John L. Wood

John L. Wood, Esq. (BPR #027642)
Cheryl G. Rice, Esq. (BPR #021145)
EGERTON, McAFEE, ARMISTEAD & DAVIS, P.C.
900 S. Gay Street, Suite 1400
P.O. Box 2047
Knoxville, TN 37902
(865) 546-0500 (phone)
(865) 525-5293 (facsimile)
jwood@emlaw.com
crice@emlaw.com

A. Matthew Ashley (CA Bar. No. 198235) Morgan Chu (CA Bar. No. 70446) David Nimmer (CA Bar. No. 97170)

**IRELL & MANELLA LLP** 1800 Avenue of the Stars, Suite 900 Los Angeles, California 90067-4276 (310) 277-1010 (phone) (310) 203-7199 (facsimile) mchu@irell.com dnimmer@irell.com mashley@irell.com

Olivia L. Weber (CA Bar. No. 319918) BIENERT KATZMAN LITTRELL WILLIAMS, LLP 903 Calle Amanecer, Suite 350 San Clemente, CA 92673 (949) 369-3700 (phone) (949) 369-3701 (facsimile) oweber@bklwlaw.com

Rameen J. Nasrollahi (BPR# 033458) LOWE YEAGER & BROWN, PLLC 920 Volunteer Landing Lane (865) 312-8746 (phone) (865) 312-XXX (facsimile) rjn@lyblaw.net

Attorneys for Plaintiffs SNMP Research International, Inc. and SNMP Research, Inc.